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Paper No. 4

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OFFICE OF PETITIONS

In re Application of :
Lee et al. :
Application No. 09/882,734 : ON PETITION
Filed: 13 June, 2001 :
Attorney's Docket No. SV14 :

This is a decision on the petition filed on 23 August, 2001, requesting that the above-identified application be accorded a filing date of 13 June, 2001, with Page 29 of the specification as a part of the original disclosure.

The petition is granted.

The application was filed on 13 June, 2001. However, on 14 August, 2001, Initial Patent Examination Division mailed a "Notice" stating, *inter alia*, that the application had been accorded a filing date but that Page 29 of the specification (description and claims) appeared to have been omitted.

In response, on 23 August, 2001, Page 29 of the specification, and the present petition were filed. Petitioners argue that Page 29 was filed with the other application papers on 13 June, 2001, but were subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioners' postcard receipt was supplied on 23 August, 2001. The postcard receipt shows an Office date stamp of 13 June, 2001, and the above-identified application number, and identifies the application by the first named's last name and invention title, and acknowledges receipt of, *inter alia*, 33 pages of specification. Petitioners request that the application, including Page 29 of the specification, be accorded a filing date of 13 June, 2001.

A review of the record reveals that no Page 29 of the specification has been located among the application papers

deposited on 13 June, 2001. However, the evidence is convincing that the application papers deposited on 13 June, 2001, included Page 29 of the specification, which were subsequently misplaced in the Office. Therefore, the application, including Page 29 of the specification, is entitled to a filing date of 13 June, 2001.

The "Notice" mailed on 14 August, 2001, is vacated.

In view of the above, the petition is granted. No petition fee has been charged and none is due.

The application will be processed and examined using the copies of Page 29 supplied on 23 August, 2001.

For future reference, applicants are reminded that any paper filed in an application naming joint inventors where no power of attorney has been filed must be signed by all joint inventors. Joint inventors Shih-Jong J. Lee and Seho Oh are named in this application. Therefore, unless a power of attorney is filed in the application all future papers filed by applicants must show the signatures of both inventors.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of 13 June, 2001, using the application papers filed on 13 June, 2001, and the copies of Pages 29 supplied on 23 August, 2001.

Telephone inquiries should be directed to Petitions Attorney Douglas I. Wood at 703 308-6918.



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